

**TEXAS DEPARTMENT OF HEALTH
PROPOSED RULES FOR BOARD OF HEALTH APPROVAL
COVER MEMORANDUM**

July 2002

Agenda Item No: _____

Presenter: Jim Arnold

Assistant Bureau Chief

Bureau of Emergency Management

Summary and Impact:

The Texas Department of Health (department) proposes repeal and new rule concerning the licensure of paramedics for emergency medical services (EMS) personnel. The public will benefit from consistent standards for paramedic licensure for EMS personnel. The EMS community will benefit from the availability and diversity of types of certification and licensure without compromising standards set to ensure the safety of the public.

Description of Stakeholder Participation in Development of Proposed Rule:

The Governor's EMS and Trauma Advisory Council reviewed the draft rule at the council's meeting on May 31, 2002, and unanimously voted to recommend proposal of the rule by the Board of Health.

Recommended Board Action:

Approval of the proposed repeal and new rule concerning the licensure of paramedics for emergency medical services (EMS) personnel for publication in the *Texas Register* for a 30-day public comment period.

Title 25. Health Services
Part I. Texas Department of Health
Chapter 157. Emergency Medical Care
Subchapter C. Emergency Medical Services Training and Course Approval
New §157.40, Repeal §157.40

Proposed Preamble

The Texas Department of Health (department) proposes the repeal and new §157.40 concerning the licensure of paramedics for emergency medical services (EMS) personnel.

Specifically, the new rule section addresses requirements for licensure of paramedics. In accordance with Health and Safety Code, Chapter 773, 76th Legislature, 1999, the department is required to adopt rules concerning minimum requirements for paramedic licensure of EMS personnel. The benefit anticipated for the EMS community is the availability and diversity of the choices of certification and licensure, without compromising standards set to ensure the safety of the public.

Kathryn C. Perkins, Bureau Chief, has determined that for the first five years the proposed repeal and new rule is in effect there will be no fiscal impact on state or local governments.

Kathryn C. Perkins has also determined that for each of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be increased standards for the licensure of paramedic EMS personnel. There will be no adverse economic effect on small businesses or micro-businesses. This was determined by interpretation of the rules that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the rule as proposed. There are no anticipated costs to persons who are required to comply with the section proposed. There will be no adverse impact on local employment.

Comments on the proposal may be submitted to Kathryn C. Perkins, Chief, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756-3182, (512) 834-6700. Comments will be accepted for 30 days following the date of publication of this proposal in the Texas Register.

The repeal and new rule are proposed under the Texas Health and Safety Code, Chapter 773, which provides the department with the authority to adopt rules concerning the licensure of paramedics of emergency medical services (EMS) personnel; and §12.001, which provides the board with the authority to adopt rules for its procedure and for the performance of each duty imposed by law on the board, the department, or the commissioner of health. The repeal and new section affect the Health and Safety Code, Chapter 773.

Repeal
§157.40. Paramedic Licensure.

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Legend: (Proposed New Rule)

Regular Print = Proposed new language

§157.40. Paramedic Licensure

(a) Requirements for paramedic licensure.

(1) A currently certified paramedic may apply for a paramedic license if the candidate has at least one of the following degrees from an institution of post secondary education which has been accredited by an agency recognized by the U.S. Department of Education as an approved accrediting authority:

(A) an associate degree in emergency medical services (EMS);

(B) a baccalaureate degree; or

(C) a postgraduate degree.

(2) Initial paramedic license. A candidate for initial paramedic licensure under this section shall:

(A) be at least 18 years of age;

(B) submit an application and a nonrefundable fee, if applicable, of \$100;

(C) have completed a Texas Department of Health (department) approved paramedic course.

(D) have met the appropriate requirements in subsection (a) of this section;

(E) submit an official transcript from an accredited institution of post secondary education;

(F) submit evidence of National Registry Paramedic certification; and,

(G) complete all requirements within one year of the application submission date.

(3) Verification of information. After verification by the department of the information submitted by the candidate, a candidate who meets the requirements shall be licensed for a period of four years from the effective date.

(4) The license is not transferable.

(5) Duplicate copies of the license and wallet-size copy may be issued to replace lost

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credentials for a fee of \$5.00.

(6) A licensed paramedic may not hold another department EMS certification except for that of EMS coordinator or EMS instructor.

(b) Renewal of license.

(1) Prior to the expiration of a license, the department may send a notice of expiration by United States mail or electronic mail to the licensee at the address shown in current records of the Bureau of Emergency Management (bureau). It is the responsibility of the licensed paramedic to notify the bureau of any change of address.

(2) If a licensed paramedic has not received notice of expiration from the department at least thirty (30) days prior to the expiration of the license, it is the duty of the license holder to notify the department and request an application for renewal of the license. Failure to apply for renewal of the license shall result in expiration of the license.

(3) To maintain licensure status without a lapse, an application for renewal of a license shall be submitted and all requirements for renewal of the license shall be completed prior to the expiration date of the current license, but no earlier than 1 year prior to the expiration date. When submitting an application, applicants should consider the department's processing time as described in §157.3 of this title (relating to Processing of EMS Provider Licenses and Applications for EMS Personnel Certification and License).

(4) After verification by the department of the information submitted, the license will be renewed for four years beginning on the day following the expiration date of the license. A new wallet-size card signed by department officials shall be issued.

(5) Licensure fee.

(A) The licensee shall submit a non-refundable fee of \$100 with the application;

(B) EMS volunteer - no fee. However, if such an individual receives compensation during the licensure period, the exemption ceases and the individual shall pay a prorated fee to the department based on the number of years remaining in the licensure period when employment begins. The non-refundable fee shall be \$25.00 per each year remaining in the licensure. Any portion of a year will count as a full year.

(6) A license is not transferable.

(7) Military personnel. A person licensed by the department who is deployed in support of

military, security, or other action by the United Nations Security Council, a national

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emergency declared by the president of the United States, or a declaration of war by the United States Congress is eligible for relicensure under timely relicensure requirements from the person's date of demobilization until one calendar year after the date of demobilization but will not be licensed during that period.

(c) Prolonged application process by the department. If the application approval process is prolonged due to a felony/misdemeanor conviction investigation or other administrative procedure within the department, the time period for determination of licensure eligibility will be extended to reasonably accommodate the candidate and/or the department.

(d) Relicensure Options.

(1) Upon submission of a completed application for relicensure, the applicant shall relicensure in accordance with the provisions in §157.34(b)(1)-(5) of this title, relating to recertification.

(2) Relicensure by continuing education. A licensee selecting Option 2, as defined in §157.34(b)(2) of this title, and in accordance with §157.38 of this title, relating to Continuing Education, may substitute up to twelve (12) contact hours in the Preparatory content area and up to forty-eight (48) contact hours of continuing education in the Additional Approved Categories area with any course of non-clinical professional development study approved by the licensee's medical director.

(e) Late relicensure.

(1) Following the expiration date of the license, a candidate shall be considered as non-licensed and may not function in the capacity of an EMS licensee or certificant or represent that he is licensed or certified until relicensure is issued.

(2) A candidate whose license has been expired for 90 days or less may renew the license by meeting the requirements of section (d), submitting an application and paying to the department a nonrefundable renewal fee that is equal to 1 1/2 times the normally required application renewal fee as listed in subsection (b)(2) of this section.

(3) A candidate whose license has been expired for more than 90 days but less than one year may renew the license by:

(A) Submitting an application and paying to the department a nonrefundable renewal fee that is equal to two times the normally required application renewal fee as listed in subsection (b)(5) of this section.

(B) Submitting documentation that verifies completion of a formal recertification

course.

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(C) Achieving a passing score on the National Registry Paramedic Assessment written exam.

(4) A candidate whose certificate has been expired for one year or more may not renew the license. The candidate may become licensed by complying with the requirements of subsection (a) of this section.

(f) Voluntary downgrades. An individual who holds EMS licensure may be certified at a lower level voluntarily for the remainder of the current license by submitting an application for certification and the applicable nonrefundable fee as required in 157.33 (a)(4);

(g) Inactive status. A licensed paramedic may make application to the department for inactive status at any time during the licensure period or after the license expiration date, if the license can be verified by the department.

(1) The initial inactive status period shall remain in effect until the end of the current license period for those candidates who are currently licensed and shall be renewable every four years thereafter.

(2) For those achieving inactive status after expiration of the active license, the initial inactive status period shall remain in effect for four years from the date of issuance. The candidate shall submit an application and the full fee as stated in subsection (b)(2) of this section.

(3) While on inactive status a person shall not provide patient care as that of certified or licensed personnel and may only act as a bystander. Failure to comply shall be cause for revocation of the inactive status license and may result in denial of future applications for licensure.

(4) An individual shall not simultaneously hold inactive and active EMS personnel certification and/or licensure.

(5) The initial inactive status period shall remain in effect until the end of the current licensure period for those candidates who are currently licensed and may be renewable every four years thereafter by submitting an application and the appropriate nonrefundable fee as in subsection (b)(5) of this section.

(h) Reentry. Reentry is the process for regaining active EMS licensure after a period of inactive status. To reenter from inactive status the candidate shall:

(1) complete a department approved formal paramedic recertification course;

(2) submit an application and nonrefundable fee as required in subsection (b)(2) of this section;

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(3) pass the National Registry Paramedic Assessment Examination; and

(4) all reentry requirements shall be completed within one year after the application date.

(i) Applying for inactive status after expiration of active or inactive licensure status. A candidate seeking to achieve inactive licensure after expiration of active or inactive licensure status shall apply within the department's record retention requirements for the prior license, which is no later than three years past the license expiration.

(j) Reciprocity. A person currently certified by the National Registry and/or certified or licensed as a paramedic in another state and who meets all the requirements of this section may apply for licensure by submitting an application along with a nonrefundable fee of \$100 and meeting the requirements set forth in (a)(1) and (a)(2)(B) of this title. After the department evaluates the application, verifies the licensure and assures that the requirements in subsection (a) of this section have been met, the candidate will be licensed in Texas for four years from the issuance date of the current Texas licensure.

(k) Equivalency.

(1) A candidate for licensure who completed EMS training outside the United States or its possessions, or a candidate who is certified or licensed in another healthcare discipline may apply for licensure by meeting the requirements set forth in (a)(1) and the following additional requirements:

(A) be at least 18 years of age;

(B) submit a copy of the course completion certification from an accredited post secondary institution approved by the department to sponsor an EMS education program;

(C) submit an application and appropriate nonrefundable fee as follows;

(i) a candidate who completed EMS training outside the United States or its possessions - \$150

(ii) a candidate who is certified or licensed in another healthcare discipline - \$100

(D) achieve National Registry paramedic certification.

(2) Evaluations of curricula conducted by post secondary educational institutions under this subsection shall be consistent with the institution's established policies and

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procedures for awarding credit by transfer or advanced placement.

(l) Military personnel. A licensee who fails to renew a license within three months of the expiration date because of active duty in the United States military outside the State of Texas shall have one year from the date of discharge or the date of reassignment to Texas (whichever is first) to complete all requirements for relicensure.

(m) Conversion from inactive paramedic certification to inactive paramedic licensure. A certified paramedic currently on inactive status who meets all other criteria as defined in (a)(1) of this title may apply for inactive licensure status.

(1) The inactive certificant shall:

(A) submit an application for inactive licensure to the department along with a nonrefundable fee of \$100;

(B) submit evidence of the issuance of a degree from an accredited college or university as defined in (a)(1) of this title;

(2) After verification by the department of the information submitted, the license will be issued in an inactive status for four years beginning on the day of issuance.